

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAMES MUSIAL,)	
)	
Plaintiff,)	
)	
v.)	No. 08 C 465
)	
CITIZENS BANK & TRUST COMPANY)	Judge Castillo
OF CHICAGO, an Illinois banking)	Magistrate Judge Shenkier
corporation,)	
)	
Defendant.)	

JOINT INITIAL STATUS REPORT

Plaintiff James E. Musial (“Musial”), through his attorneys, and defendant Citizens Bank & Trust Company of Chicago (“CBT”), through its attorneys, hereby submit the following Initial Status Report:

A. Nature of the Case

This Court has jurisdiction over this case pursuant to 28 U.S.C §1331 and the Americans with Disabilities Act, 42 U.S.C. §12101 et seq. All parties have been served.

Plaintiff James Musial is an attorney licensed in the State of Illinois. In November of 2004, CBT hired Musial as its in-house counsel to represent CBT, as well as other businesses owned or controlled by Robert Michael and George Michael, majority owners and directors of CBT. Musial alleges that during his employment at CBT, he suffered from a condition known as severe anxiety disorder, accompanied by stress disorder, severe depression and sleep disorder. Musial further alleges that his condition was known to CBT and its principals and CBT failed to offer reasonable accommodation for his disability in violation of the Americans with Disabilities Act, 42 U.S.C. §12101 et

seq. (“ADA”) Musial further alleges that on or about February 27, 2006, as a result of CBT’s failure to accommodate him, Musial was unable to come to work. He missed the next few days because he was unable to function and again sought treatment for his mental condition. On March 8, 2006, citing Musial’s absence from work without approval, CBT terminated Musial’s employment.

CBT denies that it was aware that Musial suffered from severe anxiety disorder, denies that Musial made any request or demand for reasonable accommodation and further denies that Musial was disabled pursuant to the ADA.

Plaintiff seeks back pay, compensatory and punitive damages against defendant. Musial’s claim for back pay is approximately \$50,000. His claim for compensatory damages, including pain and suffering and severe emotional distress, is capped at \$50,000, the statutory maximum pursuant to 21 U.S.C. §1981a. Musial also seeks punitive damages in the amount of \$100,000.

Legal and Factual Issues

The parties dispute whether: a) Musial was disabled within the meaning of the ADA; b) CBT knew of Musial’s alleged disability; c) Musial has suffered damage or injury; and d) CBT’s conduct warrants the imposition of punitive damages. The Court should also be aware that the parties are currently in litigation in the Circuit Court of Cook County where CBT filed a lawsuit against Musial for legal malpractice relating to matters he was allegedly handling on its behalf while employed by CBT.

B. Draft Scheduling Order

In accordance with Fed.R.Civ. P. 16(b), the parties propose the following scheduling order:

1. Additional parties joined and pleadings to be amended by July 1, 2008;
2. All non-expert discovery completed by October 15, 2008;
3. Plaintiff to disclose expert witnesses, if any, on or before September 30, 2008;
4. Defendant to disclose expert witnesses, if any, on or before October 31, 2008;
5. Expert discovery closes on or before December 15, 2008; and
6. All dispositive motions to be filed on or before January 15, 2009.

C. Trial Status

The plaintiff has demanded a jury. The parties estimate that the trial would last approximately 4 days.

D. Consent to Proceed Before a Magistrate

Not all of the parties have consented to proceed before a Magistrate Judge.

E. Settlement Status

A settlement conference is currently scheduled for April 18, 2008. The parties have not held settlement discussions and the EEOC was unable to mediate the dispute.

JAMES E. MUSIAL

By: /s/ Howard L. Teplinsky
One of His Attorneys

Howard L. Teplinsky – 6197501
Ottenheimer Teplinsky Rosenbloom, LLC
750 Lake Cook Rd., Suite 140
Buffalo Grove, IL 60089
(847) 520-9400

**CITIZENS BANK & TRUST COMPANY OF
CHICAGO**

By: /s/ Lawrence M. Karlin

Lupel Weininger LLP
30 North LaSalle Street
Suite 3520
Chicago, IL 60602
312-260-7700